

"1. That the lien of the judgment was not lost with the right to issue an immediate execution as had been announced by the Chancellor, in 3 *Bland*, 298, and the lien remained for twelve years.

"2. That when the debtor alienated lands, subject to the lien of a judgment, before the right to issue an immediate execution was suspended, that is, within three years from the date of the judgment a *scire facias* was unnecessary to affect the terre-tenants.

"3. But where a *scire facias* was necessary to revive the judgment, whether by death or lapse of years, it was necessary against all the terre-tenants, whose lands were to be affected by the judgment."

These propositions were assented to by all the judges present at the argument of the case of *Doub vs. Barns*, consisting of *Archer, C. J., Dorsey, Chambers, Spence and Magruder, J.*

A. RANDALL, for Complainants.

JAMES STEELE, for the Petitioners.

ARTHUR PUE	}	SEPTEMBER TERM, 1848.
vs.		
HENRY H. PUE.		

[RIGHT OF WAY—PRESCRIPTION—PRACTICE IN CHANCERY—EVIDENCE.]

-
- A PRIVATE right of way over the lands of another must be founded either on grant or by prescription which supposes a grant.
 - A user of a right of way for twenty years, exercised adversely and without any thing to qualify it, will afford sufficient ground for the presumption of a grant.
 - But if the enjoyment can be referred to the leave or favor of the party over whose lands the right of way is claimed, or can be placed upon any other footing than a claim or assertion of right, it will repel the presumption of a grant.
 - A right of way once established by prescription or by grant, cannot be extinguished by a parol agreement.
 - But where an attempt is made to make out a title by prescription founded upon an adverse and uninterrupted user for a series of years, it is competent